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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,859	12/09/2003	Lisa C. Tidwell	020375-044900US	6428
20350 7590 06/16/2009 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
CHEUNG, MARY DA ZHI WANG				
ART UNIT		PAPER NUMBER		
3694				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,859

Applicant(s)

TIDWELL ET AL.

Examiner

MARY CHEUNG

Art Unit

3694

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-14, 24-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-14, 24-27 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. This action is in reply to the amendment filed on March 30, 2009. Claims 9-14, 24-27 and 29 are pending and examined below. Claims 9, 24 and 29 are amended.

Response to Arguments

2. Applicant's arguments filed March 30, 2009 have been fully considered but they are not persuasive.

In response to the applicant's arguments that Daly fails to teach "a check authorization system", Park teaches a Check Verification System that corresponds to "a check authorization system" (see Fig. 1). The applicant further argues that Daly fails to teach identifying check issuers in a desired location, and the examiner respectfully disagrees because "a desired location" corresponds the checks need to be "local" in Daly's teaching. The phrase "local checks" means the bank/check issuer is at local area (see column 1 line 46 of Daly), and it does not refer to the person who presenting the check is from the local area.

In response the applicant's arguments that the check verification system in Park is not a check authorization system, the examiner respectfully disagrees. Although Park uses different phrase to name a system, the check verification system performs the functions as the check authorization system as claimed. Furthermore, based on the applicant's amendment, the examiner has adjusted the claim interpretation: check verification system in Park obtains identifier from a check issuer, which the check issuer corresponds to the payment system in Park (see ¶¶ 40, 132). Thus, Park teaches the

claimed limitation “the check authorization obtaining, from two or more check issuers, identifiers for checking accounts associated with the two or more check issuers”.

In response the applicant's arguments that Daly fails to teach creating record or adding information to a database, the Primary reference Park teaches gathering information to a database (Fig. 10).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-10, 12, 24-25, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al., US 2003/0225708 A1 in view of Daly et al., US 5,878,141.

As to claim 9, Park teaches a method of compiling a computer-accessible repository of check issuer location information for use in check transaction risk assessment, the method comprising (§¶ 131-132, 139 and Figs. 1, 10; *specifically, “computer-accessible repository” corresponds to the database 210 in Park’s teaching*):

- a check authorization system identifying two or more check issuers (§¶ 131, 134 and Fig. 10; *“check authorization system” corresponds to the Check Verification System in Park’s teaching*)
- the check authorization system obtaining, from two or more check issuers, identifiers for checking accounts associated with the check issuers (§¶ 40, 132;

"two more check issuers" correspond to the Payment System, and "identifiers" correspond to the critical payment information in Park's teaching; note that "identifiers" is non-functional descriptive material and bears no patentable weight - see MPEP 2106.01 and 2106.02); and

- a check authorization system compiling on a computer-accessible storage medium a repository of records, wherein a record comprises information to identify the associated check issuer's checking account (§ 131-137, 139 and Figs. 1, 8, 10).

Park does not specifically teach the check authorization system identifying check issuers in a desired geographical location, and the record related to the check comprising a check issuer name and associated check issuer's location. However, Daly teaches a merchant accept checks only from local area (column 1 lines 34-36; *notes: the check issuer name is inherent on the check*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the check authorization system in Park's teaching to include the features of identifying check issuer in a desired geographical location (e.g. local checks), and the record related to the check comprising a check issuer name and associated check issuer's location taught by Daly for better assess the risk for the check transaction and prevent negative check disposition.

As to claims 10 and 12, identifying check issuers within a desired proximity of a check-cashing entity, or identifying check issuers in a desired geographical location comprises identifying check issuers from any geographical location are taught by Park

modified by Daly as only local checks are accepted by the merchant (Daly: column 1
lines 34-36 and see claim 1 above for motivation of combine the teachings).

Claims 24-25, 27 and 29 are in parallel with the limitations in claims 9-10 and 12;
thus, they are rejected for the same rationale.

5. Claims 11 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Park et al., US 2003/0225708 A1 in view of Daly et al., US 5,878,141, and in further
view of Official Notice.

As to claim 11, Park modified by Daly teaches identifying check issuers within a
desired region as discussed in claims 9-10 and 12 above. Park modified by Daly does
not specifically teach the desired region defined by at least one of the set consisting of:
zip code, city, county, state, telephone area code, and Metropolitan Statistical Area.
The examiner takes Official Notice that is common knowledge that a desired region can
be defined in such manner. For example, a merchant accept local checks, where the
local checks mean the in-state checks only. Thus, it would have been obvious to one of
ordinary skill in the art at the time the invention was made to allow the desired region
defined by at least one of the set consisting of: zip code, city, county, state, telephone
area code, and Metropolitan Statistical Area for better prevent negative check
disposition.

Claim 26 is rejected for the same rationale as claim 11.

6. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park
et al., US 2003/0225708 A1 in view of Daly et al., US 5,878,141, and in further view of
Robinson, US 6,957,770 B1.

As to claim 13, Park modified by Daly teaches a repository of records for check information (Park: Figs. 9a-10). Park modified by Daly teaches does not specifically teach in response to receiving a request to cash a check for which the repository of records does not hold associated check issuer information, requesting from a check-cashing entity that is processing the request, information about at least one of: a check issuer name, a check issuer bank account identification, and check issuer location information; and adding check issuer information received from the check-cashing entity to the repository. However, the matters are taught by Robinson as a central database for storing check cashing information related to the consumer; and if the consumer information is not enrolled in the database, a registered merchant can enroll the consumer upon supplying the check cashing related information (column 5 lines 13-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teaching of Park modified by Daly to add new records of check cashing information in the repository taught by Robinson so that the repository can providing better risk assessment for future check cashing transactions.

As to claim 14, Park teaches requesting information from a check-cashing entity comprises displaying a prompt to an operator of a point-of-sale device at the check-cashing entity to input the requested information (§¶ 127-130).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY CHEUNG whose telephone number is (571)272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300 (Official Communications; including After Final
Communications labeled "BOX AF")

Art Unit: 3694

(571) 273-6705 (Draft Communications)

/Mary Cheung/
Primary Examiner, Art Unit 3694
June 12, 2009